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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,080	10/14/2003	Iqbal Ahmed	5003073-046US1	4335

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EXAMINER	
YOON, TAE H	
ART UNIT	**PAPER NUMBER**
1714	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/685,080	AHMED ET AL.	
	Examiner	Art Unit	
	Tae H. Yoon	1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) *11-22 and 25* is/are withdrawn from consideration.

5)☒ Claim(s) *9* is/are allowed.

6)☒ Claim(s) *1,2,4-8,10,23 and 24* is/are rejected.

7)☒ Claim(s) *3* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Applicant's election of Group I in the reply filed on April 17, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The requirement is made FINAL.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 4-8, 10, 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim recites employing about 95 to about 99 wt% of an aqueous water-soluble polymer solution, but an amount of said water-soluble polymer in said solution is not recited and thus said expression is unclear and indefinite. For example, the claimed paste would contain about 30 wt% of said water-soluble polymer when said solution contains 60 wt% of said water-soluble polymer, and it would contain about 1 wt% when said solution contains about 1 wt% of said water-soluble polymer.

The recited unit "mPas.s" in claims 2 and 10 is incorrect and should be "mPa•S".

Also, deletion of a period (.) after 75C° and 200C° in claim 24 is needed.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4-8, 23 and 24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Houben et al (US 6,013,325).

Houben et al teach one component swelling paste comprising an aqueous polyacrylic acid and a highly crosslinked polyacrylate in abstract and example. Cabloc CTF of said example 1 is highly crosslinked polyacrylate thickeners which does not swell polyacrylate solution (col. 5, lines 18-26). Thus, it meets the instant superabsorbent polymer particles inherently since the crosslinked thickeners are present as particles such as colloidal silica which is well known thickeners otherwise (if it is a solid) it would not act as a thickener. Said swelling paste has a viscosity of at least 2,000 mPa•S (col. 5, lines 27-31). The instant absorption capacity of 40 g/g dry weight is taught at col. 6, lines 10-12. Example 1 does not state an aqueous solution, but it is an aqueous solution inherently since an aqueous polyacrylic acid is recited at col. 5, line 10 and since it states coating and drying at 190°C. The instantly recited paste expansion values are inherent in the paste of Houben et al. The recited about 95 to about 99 wt% of an aqueous water-soluble polymer solution permits the presence of

other components such as Imbetin in example 1 of Houben et al absent further limitation.

Thus, the instant invention lacks novelty.

Claims 1-8, 23 and 24 are rejected under 35 U.S.C. 103(a) as obvious over Houben et al (US 6,013,325) and Pappas et al (US 5,817,713).

Pappas et al teach that CABLOC brand is a particle at col. 4, lines 32-35.

Thus, it would have been obvious to one skilled in the art at the time of invention to employ a crosslinked polyacrylate particle (Cabloc) in Houben et al with teaching of Pappas et al since Pappas et al teach CABLOC brand being a particle absent showing otherwise.

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 9 is allowed since Houben et al teach the total solid level of a polyacrylic acid being 32% in water in example 7 and do not teach or suggest employing the instant low amount (about 0.5 to about 5%) of solid level.

Claim 10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tae H Yoon
Primary Examiner
Art Unit 1714

THY/June 15, 2006